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10/802,861	03/18/2004	Kristin L. Ficery	10761.1484-02	7726
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Accenture/Finnegan, Henderson, Farabow, Garrett & Dunner, LLP 901 New York Avenue Washington, DC 20001-4413			EXAMINER JOHNSON, GREGORY L	
			ART UNIT	PAPER NUMBER
			3691	
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			02/04/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/802,861

Applicant(s)

FICERY ET AL.

Examiner

GREGORY JOHNSON

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

1. This communication is in response to the amendment filed December 4, 2009.

Status of Claims

2. Claims 1-15 and 17-30 are as previously presented. Claim 16 is amended.
Claims 31-32 are new. **Claims 1-32** are pending.

Response to Arguments

3. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-2, 10-13, 15-16, 20, 25-28 and 30-32** are rejected under 35 U.S.C. 102(b) as being anticipated by Zarb, Pub. No. 2004/0039619 (hereinafter Zarb).

As per claim 16, Zarb teaches a computer-readable storage medium encoded with instructions, which when executed on a processor, perform a method comprising:

- receiving financial data inputs regarding a target company (¶¶0001, ¶¶0003-0005, ¶¶0048-0050 and ¶¶0056; discusses obtaining and analyzing financial or other metrics of a prospect company);

- calculating normalized diagnostic information regarding the cost structure of the target company based on financial data inputs (§§0048-0053 and Figs. 2-4; discusses and illustrates metrics, e.g. revenue growth),
- displaying the normalized diagnostic information (§§0048 and §0061; discusses a user analyzing the table 64 of Fig. 2);
- receiving cost levers (e.g. labor costs, employee efficiency, inventory turns, etc; Applicant's Fig. 4) based on the normalized diagnostic information (§§0042, §0054, §0064, §0066, §§0072-0076, §0082, §0096, §0117 and Figs. 8-10, 12, 15-16, 19-20 and 23; discusses and illustrates operational efficiency, inventory turns and costs, e.g. headcount (i.e. costs associated with processes, roles and assets);
- generating a cost reduction strategy for one or more of the cost levers (Abstract, §0001, §0046-0047, §0049, §0054-0062 and §§0072-0076);
- correlating the cost reduction strategy with corresponding ones of the cost levers (§§0022, §0038, §0042 and §§0072-0073; via mapping of roles, processes, and assets to a strategy);
- generating implementation information related to implementing the cost reduction strategy (Abstract, §0038, §0151, §§0178-0179, §0190 and §0193; discusses a potential cost model that projects how days sales outstanding (the strategy) can be enhanced if the finance department role collaborated with external parties who are involved in sales order submission and subsequent invoice collection; people may be asked to

rate their willingness to participate in one or more changes associated with a strategy, rate their expectation of a successful implementation of a strategy; and comparing implementation options (e.g., build versus purchase of equipment)); and

- outputting the cost reduction strategy and the implementation information (§§0189-0196; discusses communicating the strategy and implementation to various groups of people).

As to claim 1, Zarb teaches an electronic network system adapted to generate cost reduction strategies for a target company, the network system comprising:

- a cost lever analysis tool (§§0197, §0204, §0210 and §0218; via computer software, program, sets of instructions or code);
- a cost reduction strategy tool (§§0197, §0204, §0210 and §0218; via computer software, program, sets of instructions or code);
- a generation module (§§0197, §0204, §0210 and §0218; via computer software, program, sets of instructions or code);
- a linking module (§§0197, §0204, §0210 and §0218; via computer software, program, sets of instructions or code);
- an implementation module (§§0197, §0204, §0210 and §0218; via computer software, program, sets of instructions or code);
- an output module (§§0197, §0204, §0210 and §0218; via computer software, program, sets of instructions or code); and

- at least one processor (¶0205, ¶0208-0210; via processor 700 may comprise one or more microprocessors, computers, computer systems, etc.).

Also see the rejection of claim 16 above.

As per claim 2, Zarb teaches wherein said the implementation information includes at least one of case studies, implementation plans, integration implications, and *sample benefit and impact forecasts* (Abstract, ¶0029-0033, ¶0077, ¶0118-0119, ¶0136 and ¶0156-0159).

As per claim 10, Zarb teaches wherein the cost lever analysis tool further comprises a calculation module that calculates a total return to shareholders using a calculated return on invested capital, a calculated weighted average cost of capital, a calculated organic growth, and a calculated merger and acquisition growth based on the financial input data (¶0167, ¶0174 and ¶0184-0187).

As per claim 11, Zarb teaches wherein the cost lever analysis tool generates summary reports, the summary reports including at least one of metrics or diagnostic ratios of the target company (¶0046-0049 and Figs. 2-3).

As per claim 12, Zarb teaches wherein the summary reports include charts or diagrams comparing the metrics or the diagnostic ratios to baseline industry (¶0046-0049 and Figs. 2-3).

As per claim 13, Zarb teaches wherein the baseline industry information comprises metrics or diagnostic ratios pertaining to industry competitors of the target company (§0046-0049 and Figs. 2-3).

As per claim 15, Zarb teaches wherein at least one of the cost lever analysis tool, the cost reduction strategy tool, and the output module is located on server electronically accessible by remote users (§0197-0205 and Fig. 35).

Claim 20 recites an equivalent limitation to claim 2, and is therefore rejected using the same art and rationale as set forth above.

Claims 25-28 recite equivalent limitations to claims 10-13, respectively, and are therefore rejected using the same art and rationale as set forth above.

Claim 30 recites an equivalent limitation to claim 15, and is therefore rejected using the same art and rationale as set forth above.

As per claim 31, Zarb teaches wherein the cost lever analysis tool identifies the cost levers (§0072-0076 and Figs. 8-9).

As per claim 32, Zarb teaches wherein the implementation information constitutes an approach for implementing the cost reduction strategy (§0178; via implementation options).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. **Claims 3-4 & 21-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Zarb, in view of Official Notice.

Note: Applicant's failure to adequately traverse the assertions made by the previous Examiner in the rejections of claims 3-4 and 21-22 (re: "hyperlink documents" and "documents can be cross-linked to each other") is taken to be admitted prior art. [see MPEP 2144.03(C)]

As per claim 3, Sarno does not expressly disclose wherein said overviews comprise hyperlinked overview documents.

The Examiner takes Official Notice that it is old and well known in the art to provide hyperlinks for documents (See, e.g., claim 32 of Wallenius (U.S. 7,139,813) which discloses, teaches, and suggests hyperlinked and cross-linked documents).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sarno to include hyperlinked overview documents that link different documents (See plain meaning of hyperlink...Webster's Dictionary).

As per claim 4, Sarno does not expressly disclose wherein the documents can be cross-linked to each other.

The Examiner takes Official Notice that it is old and well known in the art to cross-link documents containing related subject matter (See, e.g., claim 32 of Wallenius (U.S. 7,139,813) which discloses, teaches, and suggests hyperlinked and cross-linked documents). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sarno to include cross-linking overview documents for related business capabilities in order to provide quick and efficient comparison of relevant strategic objectives via a links for different documents (See plain meaning of hyperlink...Webster's Dictionary).

Claims 21-22 recite equivalent limitations to claims 3-4, respectively, and are therefore rejected using the same art and rationale as set forth above.

9. Claims 5-9, 17-19 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zarb, in view of Sarno, Pub. No. 2002/0042751 (hereinafter Sarno).

As per claim 5, Sarno teaches wherein a plurality of case studies are correlated with each cost reduction strategy (Abstract and ¶0156; discusses methods and software tools for generating financial summaries and business cases allowing, for example, *adjustments for continuous improvements*; and the use of case studies to develop a

meaningful understanding of the financial value of a given purchase to the business operating in a particular industry).

Zarb teaches a system and method for analyzing and forecasting an organization's business processes and the cost and revenue impact of or change to physical, financial and human assets associated with the processes (§§0004).

Sarno teaches methods for analyzing and presenting user information for cost justification by providing tools for generating financial summaries and business cases allowing, for example, adjustments for continuous improvements (Abstract and §§0164).

Both Zarb (§§0038) and Sarno (§§0115) teach methods for analyzing an organization to determine/reveal cost savings or cost avoidance actions that the organization may undertake; therefore, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include in the methods and apparatus for facilitating analysis of an organization as taught by Zarb, with the cost justification analysis methods as taught by Sarno, since the claimed invention is merely a combination of old elements (i.e. methods for analyzing the cost structure/expenses of an organization), and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in that art would have recognized that the results of the combination were predictable. See MPEP 2143 (Rev. 6, Sept. 2007), Rational (G).

As per claim 6, Sarno teaches wherein the implementation information includes case studies derived from more than one industry (§§0156; via knowledge base information includes case studies which consider purchases in different industries such as legal, financial, government, technology, and other suitable industries).

As per claim 7, Sarno teaches wherein the output module generates a cost-reduction strategy template for the target company (§§0201; discusses a customized template; and the cost justification application may be customized by selecting or entering the personnel salaries and services affected by the proposed solution (vendor product), and designating whether they will *result in a savings or expenses*).

As per claim 8, Sarno teaches wherein the cost reduction strategy template includes the implementation information (§§0186-0187, §§0190-0196 and §0201; discusses rules associated with a rollout form, spreadsheet/graphs reflecting costs and a customized template).

As per claim 9, Zarb teaches wherein the implementation information includes at least one of economic impacts, strategy goal summaries, expected implementation schedules and plans, projected cost considerations, and projected key benefits (§§0038-0039, §§0041, §§0049, §§0061, §§0098, §0167 and Figs. 13-14, 17-18 and 33-34).

Claims 17-19 recite equivalent limitations to claims 7-9, respectively, and are therefore rejected using the same art and rationale as set forth above.

Claims 23-24 recite equivalent limitations to claims 5-6, respectively, and are therefore rejected using the same art and rationale as set forth above.

10. Claims 14 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zarb, in view of Heyns et al., Pub. No. 2004/0073467 (hereinafter Heyns).

As per claims 14 and 29, Zarb does not teach the following limitation; however, Heyns teaches the limitation:

- wherein the summary reports include shareholder return graphs, the shareholder return graphs comparing a growth compound annual growth rate to a spread for the target company and industry peers of the target company (See figures 5-9, and paragraph 19, which illustrates and discusses shareholder value analysis; and, furthermore, screen shots of graphs, tabular printouts, bar charts, etc. based on a metric or metrics selected by the user).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREGORY JOHNSON whose telephone number is (571)272-2025. The examiner can normally be reached on Monday - Friday, 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ALEXANDER KALINOWSKI can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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